

**REPORT ON FISHERIES ACTIVITIES TO THE UNITED NATIONS:  
SUBMISSION OF THE UNITED STATES OF AMERICA TO THE  
SECRETARY-GENERAL OF THE UNITED NATIONS JUNE 2000**

THE UNITED STATES APPRECIATES THE OPPORTUNITY TO SUBMIT TO THE SECRETARY GENERAL ITS VIEWS CONCERNING DRIFTNET FISHING ON THE HIGH SEAS, UNAUTHORIZED FISHING IN AREAS UNDER NATIONAL JURISDICTION, THE STATUS AND IMPLEMENTATION OF THE AGREEMENT TO PROMOTE COMPLIANCE WITH INTERNATIONAL CONSERVATION AND MANAGEMENT MEASURES BY FISHING VESSELS ON THE HIGH SEAS, AND BY-CATCH, DISCARDS AND POST-HARVEST LOSSES. THE UNITED STATES WOULD BE GRATEFUL THAT THESE VIEWS BE TAKEN INTO ACCOUNT IN THE PREPARATION OF THE REPORT OF THE SECRETARY GENERAL TO THE FIFTY-FIFTH SESSION OF THE GENERAL ASSEMBLY ON IMPLEMENTATION OF ITS RESOLUTION 53/33 OF 24 NOVEMBER 1998.

THIS REPORT IS PRESENTED IN SIX PARTS: PART I - IMPLEMENTATION OF THE GLOBAL MORATORIUM ON ALL LARGE-SCALE PELAGIC DRIFTNET FISHING ON THE HIGH SEAS; PART II - MEASURES TAKEN TO ENSURE THAT NO VESSELS ENTITLED TO FLY THE U.S.-FLAG FISH IN AREAS UNDER NATIONAL JURISDICTION OF OTHER STATES UNLESS DULY AUTHORIZED BY THE COMPETENT AUTHORITIES OF THE COASTAL STATES CONCERNED; PART III - ACTIONS TAKEN TO PROHIBIT VESSELS FLYING THE U.S. FLAG FROM ENGAGING IN FISHING OPERATIONS FOR STRADDLING FISH STOCKS OR HIGHLY MIGRATORY FISH STOCKS WHICH ARE SUBJECT TO THE CONSERVATION AND MANAGEMENT MEASURES ESTABLISHED BY A REGIONAL FISHERIES MANAGEMENT ORGANIZATION OR ARRANGEMENT TO WHICH IT IS NOT A MEMBER/PARTICIPANT AND TO ENSURE THAT ITS VESSELS DO NOT UNDERMINE THE EFFECTIVENESS OF SUCH MEASURES IN ACCORDANCE WITH PARTS IV AND V OF THE UN FISH STOCKS AGREEMENT; PART IV - ACTIONS TAKEN TO REDUCE BYCATCH, FISH DISCARDS AND POST HARVEST LOSSES; AND PART V - STATUS AND IMPLEMENTATION OF THE AGREEMENT TO PROMOTE COMPLIANCE WITH INTERNATIONAL CONSERVATION AND MANAGEMENT MEASURES BY FISHING VESSELS ON THE HIGH SEAS; AND PART VI - ACTIONS TAKEN TO IMPLEMENT THE FOOD AND AGRICULTURE ORGANIZATION (FAO) INTERNATIONAL PLANS OF ACTION FOR THE MANAGEMENT OF FISHING CAPACITY, FOR THE MANAGEMENT AND CONSERVATION OF SHARKS, AND FOR REDUCING INCIDENTAL CATCH OF SEABIRDS IN LONGLINE FISHERIES, ADOPTED BY THE TWENTY-THIRD SESSION OF THE FAO COMMITTEE ON FISHERIES (ROME, FEBRUARY 15-19, 1999) AND ENDORSED BY THE FAO COUNCIL (ROME, JUNE 1999).

## **PART I**

### **IMPLEMENTATION OF THE GLOBAL MORATORIUM ON ALL LARGE-SCALE PELAGIC DRIFTNET FISHING ON THE HIGH SEAS**

AS A PRINCIPAL CO-SPONSOR OF UNITED NATIONS GENERAL ASSEMBLY RESOLUTION 46/215 (1991), AS WELL AS RESOLUTIONS 44/225 (1989), 45/197 (1990), 50/25 (1995), 51/36 (1996), 52/29 (1997), 53/33 (1998), AND SUPPORTER OF DECISIONS 47/443 (1992), 48/445 (1993), AND 49/436 (1994), THE UNITED STATES BELIEVES THAT IT WAS APPROPRIATE THAT THE GENERAL ASSEMBLY, IN RECOGNITION OF THE UNACCEPTABLE IMPACTS OF LARGE-SCALE PELAGIC DRIFTNET FISHING IN THE HIGH SEAS, CALLED UPON ALL MEMBERS OF THE INTERNATIONAL COMMUNITY TO ENSURE THAT A GLOBAL MORATORIUM ON ALL LARGE-SCALE PELAGIC DRIFTNET FISHING ON THE HIGH SEAS BE FULLY IMPLEMENTED BY 31 DECEMBER 1992.

THE UNITED STATES CONTINUES TO ATTACH GREAT IMPORTANCE TO COMPLIANCE WITH RESOLUTION 46/215, AND HAS TAKEN MEASURES INDIVIDUALLY AND COLLECTIVELY WITH OTHER NATIONS TO PREVENT LARGE-SCALE PELAGIC DRIFTNET FISHING ON THE HIGH SEAS. THE UNITED STATES HAS CALLED UPON ALL MEMBERS OF THE INTERNATIONAL COMMUNITY TO IMPLEMENT AND COMPLY WITH THE RESOLUTION. IN ADDITION, THE UNITED STATES HAS URQED ALL MEMBERS OF THE INTERNATIONAL COMMUNITY, INTERGOVERNMENTAL ORGANIZATIONS, NON-GOVERNMENTAL ORGANIZATIONS, AND SCIENTIFIC INSTITUTIONS WITH EXPERTISE IN LIVING MARINE RESOURCES TO REPORT TO THE SECRETARY-GENERAL ANY ACTIVITY OR CONDUCT INCONSISTENT WITH THE TERMS OF RESOLUTION 46/215. SINCE THE UNITED STATES SUBMITTED ITS 1998 REPORT ON FISHERIES ACTIVITIES TO THE UNITED NATIONS, IT HAS TAKEN ADDITIONAL ACTIONS TO PROMOTE THE IMPLEMENTATION OF THE GENERAL ASSEMBLY'S RESOLUTIONS AND DECISIONS ON LARGE-SCALE PELAGIC DRIFTNET FISHING ON THE HIGH SEAS, ESPECIALLY IN THE NORTH PACIFIC OCEAN AND THE MEDITERRANEAN SEA.

### **STATUS OF THE DRIFTNET MORATORIUM**

AS OF 1 JULY 2000, THE UNGA GLOBAL MORATORIUM ON LARGE-SCALE HIGH SEAS DRIFTNET FISHING HAS BEEN IN EFFECT FOR 7 AND A HALF YEARS. INTERNATIONAL IMPLEMENTATION OF THE MORATORIUM IN THE WORLD'S OCEANS AND ENCLOSED AND SEMI-ENCLOSED SEAS CONTINUES TO BE GENERALLY SUCCESSFUL, ALTHOUGH A SMALL NUMBER OF CASES OF UNAUTHORIZED LARGE-SCALE HIGH SEAS DRIFTNET FISHING WERE REPORTED IN THE NORTH PACIFIC OCEAN IN 1999.

## **1999 U.S. ENFORCEMENT EFFORTS IN THE NORTH PACIFIC**

ENFORCEMENT OF THE UN MORATORIUM ON HIGH SEAS DRIFTNET FISHING CONTINUES TO BE AN IMPORTANT MISSION FOR THE U.S. COAST GUARD AND THE NATIONAL MARINE FISHERIES SERVICE (NMFS). TO MONITOR COMPLIANCE WITH THE DRIFTNET MORATORIUM IN 1999, THE U.S. COAST GUARD, NMFS, AND THE CANADIAN DEPARTMENT OF FISHERIES AND OCEANS CONTINUED TO CARRY OUT SURVEILLANCE ACTIVITIES IN NORTH PACIFIC AREAS THAT IN THE PAST WERE ROUTINELY FISHED BY DRIFTNET VESSELS. U.S. COAST GUARD VESSELS PATROLLED SECTORS OF THE NORTH PACIFIC OCEAN, OR WERE IN POSITION TO RESPOND TO REPORTED ACTIVITY, FOR A TOTAL OF 1,176 CUTTER OPERATING HOURS. IN ADDITION, U.S. COAST GUARD C-130 HERCULES AIRCRAFT FLEW 236 SURVEILLANCE HOURS. CANADA CONDUCTED 213 HOURS OF AIR SURVEILLANCE WHILE PATROLLING THE HIGH SEAS DRIFTNET FISHING AREA. THE PATROLS WERE CONDUCTED FROM SHEMYA ON THE ALEUTIAN ISLANDS DURING 12-26 APRIL 1999. CANADA UTILIZED TWO CANADIAN ARMED FORCES CP-140 AURORA SURVEILLANCE AIRCRAFT TO COVER AN AREA FROM 40N TO 530N AND 1750W TO 1550E. DEPARTMENT OF FISHERIES AND OCEANS ENFORCEMENT OFFICERS AND NMFS SPECIAL AGENTS ACCOMPANIED ALL CANADIAN FLIGHTS.

ALL U.S. COAST GUARD OPERATIONS WERE PLANNED AND EXECUTED IN COOPERATION WITH ENFORCEMENT OFFICIALS OF JAPAN, CANADA, AND RUSSIA UNDER THE AEGIS OF THE NORTH PACIFIC ANADROMOUS FISH COMMISSION (NPAFC). ON 16-19 MARCH 1999, PRIOR TO THE START OF THE FISHING SEASON, THE NPAFC SPONSORED A LAW ENFORCEMENT STANDARDIZATION SYMPOSIUM TO FURTHER PROMOTE HIGH SEAS DRIFTNET ENFORCEMENT COOPERATION BETWEEN THE PARTIES. THE UNITED STATES HOSTED THE SYMPOSIUM AT THE COAST GUARD'S NORTH PACIFIC REGIONAL FISHERIES TRAINING CENTER IN KODIAK, ALASKA. THE SYMPOSIUM'S KEY ACCOMPLISHMENTS WERE THE SHARING OF INFORMATION, THE UPDATING OF POINTS OF CONTACT FOR EACH ENFORCEMENT AGENCY, AND THE DEVELOPMENT OF 1999 PATROL PLANS AND PROCEDURES.

## **1999 NORTH PACIFIC DRIFTNET ENFORCEMENT ACTIONS**

FROM 15 APRIL TO 03 MAY 1999, A TOTAL OF 11 POSSIBLE LARGE-SCALE DRIFTNET FISHING VESSELS WERE REPORTED OPERATING ON THE HIGH SEAS OF THE NORTH PACIFIC OCEAN BY THE INTERNATIONAL COMMUNITY. THE UNITED STATES COAST GUARD APPREHENDED 3 OF THESE VESSELS. THREE OF THE 11 WERE RUSSIAN FLAGGED, ONE VESSEL WAS DEEMED STATELESS, AND THE REMAINDER WERE UNIDENTIFIED OR UNCONFIRMED. SPECIFIC ENFORCEMENT ACTIONS TAKEN BY THE UNITED STATES IN REGARD TO THE IDENTIFIED VESSELS ARE DESCRIBED BELOW.

ASTAFYEVO: ON 13 APRIL 1999, A CANADIAN CP-140 AURORA AIRCRAFT WITH A DETACHMENT TO COAST GUARD AIR STATION

KODIAK SIGHTED THE FFV ASTAFYEVO APPROXIMATELY 250 NAUTICAL MILES SOUTHWEST OF ATTU ISLAND, ALASKA, IN POSITION 50°41' N, 167°03' E, ENGAGED IN DRIFTNET FISHING. UPON DETECTION, THE VESSEL CUT ITS NET AND FLED WESTWARD. ON 15 APRIL 1999, A CANADIAN CP-140 RELOCATED THE ASTAFYEVO APPROXIMATELY 265 NAUTICAL MILES SOUTHWEST OF ATTU ISLAND IN POSITION 50°02' N, 167°08' E. THE VESSEL WAS OBSERVED WITH TWO NETS DEPLOYED IN THE WATER. ONE NET WAS OVER 6 MILES LONG AND THE OTHER WAS APPROXIMATELY 2.5 MILES LONG. THE VESSEL WAS LAST SIGHTED ON 21 APRIL APPROXIMATELY 20 NAUTICAL MILES INSIDE THE RUSSIAN EXCLUSIVE ECONOMIC ZONE (EEZ). THE UNITED STATES DID NOT APPREHEND THE ASTEFYEVO, BUT FORWARDED ALL INFORMATION TO RUSSIAN AUTHORITIES.

LOBANA-1: ON 18 APRIL 1999, A CANADIAN CP-140 AURORA AIRCRAFT OBSERVED THE FISHING VESSEL FLORIDA (AKA LOBANA-1) RECOVERING APPROXIMATELY 7 MILES OF DRIFTNET IN POSITION 46°43.9' N, 164°05.9' E. THE MASTER CLAIMED PHILIPPINE REGISTRY. THE COAST GUARD CUTTER (CGC) RUSH DIVERTED TO INTERCEPT THE LOBANA-1. ON 19 APRIL 99, A PARTY FROM THE CGC RUSH BOARDED THE VESSEL AND FOUND IT TO BE RUSSIAN FLAGGED. THE LOBANA-1 HAD APPROXIMATELY 6 TONS OF SALMON ONBOARD AND 36 MILES OF DRIFTNET. THE RUSH TRANSFERRED CUSTODY OF THE LOBANA-1 TO THE RUSSIAN ENFORCEMENT VESSEL BREST. RUSSIAN AUTHORITIES REPORTED THAT THEY SEIZED THE CATCH, NETS, AND TRANSPONDERS, AND FINED THE MASTER OF THE VESSEL \$4,000 AND THE OWNER \$120,000.

TIN YU: A CANADIAN CP-140 AURORA AIRCRAFT SIGHTED THE TIN YU ON 21 APRIL 1999 IN TRANSIT AT 48°32' N, 161°05' E. THE VESSEL WAS RIGGED FOR HIGH SEAS DRIFTNET FISHING AND THE HULL SHOWED EXTENSIVE SQUID INK STAINING. THE VESSEL WAS NOT APPREHENDED AND THE FLAG STATE IS UNKNOWN.

YING FA: A U.S. COAST GUARD HELICOPTER EMBARKED ON CGC RUSH SIGHTED THE FFV YING FA ON 24 APRIL 1999 RETRIEVING APPROXIMATELY 1.5 MILES OF DRIFTNETS IN POSITION 48°55' N, 163°28' E, ABOUT 800 NAUTICAL MILES SOUTH OF ATTU ISLAND IN THE ALEUTIANS ISLANDS. THE VESSEL WAS FLYING THE PEOPLE'S REPUBLIC OF CHINA (PRC) FLAG. UPON DETECTION, THE VESSEL CUT THE NET AND INCREASED SPEED IN A SOUTHERLY DIRECTION. THE RUSH INTERCEPTED THE YING FA AND BOARDED THE VESSEL UNDER THE AUTHORITY OF THE U.S.-PRC BOARDING/SHIPRIDER MEMORANDUM OF UNDERSTANDING (DESCRIBED IN SECTION 2.A. OF THIS REPORT). A PRC SHIPRIDER PARTICIPATED IN THE BOARDING AND PROVIDED VALUABLE ASSISTANCE IN THE INVESTIGATION OF THE CASE. THE BOARDING REVEALED THAT THE YING FA HAD 6.2 TONS OF SALMON AND 8 MILES OF DRIFTNET ON BOARD, AND THE INTENTION TO FISH UNTIL IT CAUGHT 40-50 TONS OF SALMON. THE CREW OF THE VESSEL CONSISTED OF 5 TAIWAN AND 20 PRC CITIZENS.

ON 30 APRIL, THE PRC GOVERNMENT REFUTED THE REGISTRATION OF THE YING FA. THE UNITED STATES ASSIMILATED THE VESSEL AS STATELESS AND ESCORTED IT TO ADAK, ALASKA, WHERE THE CATCH AND GEAR WERE SEIZED. THE CATCH WAS DONATED TO THE ALASKA FOOD BANK AND THE VESSEL WAS SOLD AT AUCTION IN NOVEMBER 1999.

TAYFUN-4: THE CGC RUSH BOARDED THE RUSSIAN-FLAGGED VESSEL TAYFUN-4 ON 03 MAY 1999 IN POSITION 47033 N, 164021 E. THE VESSEL HAD RETRIEVED APPROXIMATELY 2 MILES OF DRIFTNET WITH AN ADDITIONAL 1.4 MILES OF NET STILL IN THE WATER. THE MASTER CLAIMED THAT THE NET WAS A TOTAL OF 3 MILES IN LENGTH. ADDITIONALLY, THE MASTER CLAIMED THAT HIS VESSEL WAS A RESEARCH VESSEL AND THAT HE HAD FOUND A TOTAL OF FIVE 3-MILE LONG DRIFTNETS AND WAS PLANNING TO TAKE THEM BACK TO HIS HOME PORT. ONE CREWMEMBER CLAIMED TO BE A LICENSED RUSSIAN FISH INSPECTOR WITH TWO DOCUMENTS TO BACK UP HIS CLAIM. THE DOCUMENTS STATED THAT HE WAS THE REGIONAL INSPECTOR FOR THE PRESERVATION OF MARINE BIOLOGICAL RESOURCES FOR THE FEDERATION BORDER SERVICE OF RUSSIA AND THAT HE WAS IN CHARGE OF INSPECTING THE TAYFUN-4 BEGINNING ON 23 APRIL 1999 FOR A DURATION OF 110 DAYS. THE DOCUMENTS WERE STAMPED BY THE FISHING INSPECTOR GENERAL OF SAKHALIN. WHEN THIS INFORMATION WAS PASSED TO RUSSIAN OFFICIALS IN MOSCOW, THEY STATED THAT THE TAYFUN-4 WAS NOT RECOGNIZED AS EITHER A RESEARCH OR ENFORCEMENT VESSEL. THE MASTER OF THE VESSEL WAS DIRECTED TO RECOVER THE FIVE REMAINING NETS (EACH APPROXIMATELY 3 MILES LONG) AND RENDEZVOUS WITH THE RUSSIAN ENFORCEMENT VESSEL BARRS. DURING NET RETRIEVAL, CHINOOK AND PINK SALMON, AND SEABIRDS WERE OBSERVED IN THE NETS. RUSSIAN AUTHORITIES ARE STILL INVESTIGATING THE CASE.

## **2000 NORTH PACIFIC DRIFTNET ENFORCEMENT ACTIONS**

AS OF 1 JUNE 2000, ONLY ONE LARGE-SCALE HIGH SEAS DRIFTNET VESSEL HAS BEEN INTERCEPTED IN THE NORTH PACIFIC OCEAN. THE HONDURAN FLAGGED FISHING VESSEL ARCTIC WIND WAS FIRST SIGHTED BY COAST GUARD AIRCRAFT ON 1 MAY AT 45023.7 N, 1710 55.7 E, APPROXIMATELY 600 MILES SOUTH OF ADAK, ALASKA. THE U.S. COAST GUARD CUTTER SHERMAN INTERCEPTED THE VESSEL ON 7 MAY. AFTER A BRIEF CHASE, THE SHERMAN WAS ABLE TO STOP AND BOARD THE ARCTIC WIND ON SUSPICION OF ILLEGAL LARGE-SCALE HIGH SEAS DRIFTNET FISHING.

THE MASTER OF THE VESSEL COOPERATED WITH THE COAST GUARD IN RETRIEVING TWO DRIFTNETS, BOTH APPROXIMATELY 5 MILES IN LENGTH, IN THE AREA WHERE THE VESSEL WAS ORIGINALLY SIGHTED. THE NETS CONTAINED PRIMARILY SALMON, ALTHOUGH SHARKS, SEABIRDS, AND A PORPOISE WERE ALSO TAKEN.

ALTHOUGH REGISTERED IN HONDURAS, THE ARCTIC WIND WAS SOUTH KOREAN OWNED AND RUSSIAN CREWED. THE UNITED STATES

FORMALLY SEIZED THE ARCTIC WIND ON 12 MAY, AFTER THE GOVERNMENT OF HONDURAS GAVE IT PERMISSION TO ENFORCE U.S. LAW AGAINST THE VESSEL. THE SHERMAN ESCORTED THE VESSEL TO ADAK, WHERE THE CREW WAS PLACED IN THE CUSTODY OF THE U.S. IMMIGRATION AND NATURALIZATION SERVICE AND THE VESSEL WAS TURNED OVER TO THE NATIONAL MARINE FISHERIES SERVICE FOR FURTHER INVESTIGATION AND PROSECUTION. THE CASE IS CURRENTLY IN PROGRESS.

#### **NORTH PACIFIC POTENTIAL DRIFTNET THREAT IN 2000**

DESPITE THE ACTIONS TAKEN BY THE INTERNATIONAL COMMUNITY TO IMPLEMENT THE UN GLOBAL DRIFTNET MORATORIUM, SPORADIC LARGE-SCALE HIGH SEAS DRIFTNET FISHING ACTIVITY PERSISTS IN THE NORTH PACIFIC OCEAN. TO SUPPORT U.S. ENFORCEMENT EFFORTS IN THE NORTH PACIFIC IN 2000, THE U.S. COAST GUARD WILL EMPHASIZE SURVEILLANCE WITH ITS C-130 AIRCRAFT AT LEVELS CONSISTENT WITH 1999 OR ADEQUATE TO MEET THE HIGH SEAS DRIFTNET FISHING THREAT. THE COAST GUARD WILL ALSO CONTINUE TO SCHEDULE PATROLS BY HIGH ENDURANCE CUTTERS IN AREAS THAT GIVE THEM THE CAPABILITY TO RESPOND TO ANY POTENTIAL VIOLATORS.

THE U.S. COAST GUARD ALSO INTENDS TO CONTINUE ITS POLICY OF ISSUING LOCAL NOTICES TO MARINERS DURING THE HIGH-THREAT DRIFTNET FISHING SEASON. IN 1999, THE COAST GUARD RECEIVED TWO REPORTS FROM MARINERS. UPON INVESTIGATION, THE FISHING VESSELS REPORTED TURNED OUT TO BE LONGLINE VESSELS. THE COAST GUARD INTENDS TO IMPROVE UPON THE INFORMATION PROVIDED IN THESE NOTICES AND WILL ESTABLISH AN INTERNET WEBSITE TO ALLOW MARINERS ACCESS TO MORE DETAILED INFORMATION.

THE CANADIAN GOVERNMENT ANTICIPATES FLYING 216 HOURS OF HIGH SEAS DRIFTNET PATROLS ABOARD CANADIAN ARMED FORCES AURORA AIRCRAFT IN 2000. THE TIME FRAME AND PATROL AREA WILL BE SIMILAR TO THOSE IN 1999. IN ADDITION, NMFS WILL CONTINUE TO PLACE ENFORCEMENT AGENTS ON CANADIAN HIGH SEAS DRIFTNET ENFORCEMENT FLIGHTS DURING 2000 DEPLOYMENTS.

#### **1999 U.S. DRIFTNET ENFORCEMENT EFFORTS IN THE MEDITERRANEAN SEA**

THERE WERE NO REPORTED SIGHTINGS OF LARGE-SCALE DRIFTNET VESSELS OPERATING ON THE HIGH SEAS OF THE MEDITERRANEAN SEA IN 1999.

## **BILATERAL DRIFTNET AGREEMENTS**

### **U.S.-PRC MOU**

THE UNITED STATES AND THE PRC CONTINUED TO WORK TOGETHER TO ENSURE EFFECTIVE IMPLEMENTATION OF UNGA RESOLUTION 46/215 IN THE NORTH PACIFIC OCEAN PURSUANT TO THE TERMS OF THE MEMORANDUM OF UNDERSTANDING BETWEEN THE GOVERNMENT OF THE UNITED STATES OF AMERICA AND THE GOVERNMENT OF THE PEOPLE'S REPUBLIC OF CHINA ON EFFECTIVE COOPERATION AND IMPLEMENTATION OF UNITED NATIONS GENERAL ASSEMBLY RESOLUTION 46/215 OF DECEMBER 20, 1991, SIGNED IN WASHINGTON D.C. ON 03 DECEMBER 1993. THE MOU (ALSO REFERRED TO AS THE "SHIPRIDER AGREEMENT") ESTABLISHED BOARDING PROCEDURES FOR LAW ENFORCEMENT OFFICIALS OF EITHER COUNTRY TO BOARD AND INSPECT U.S. OR PRC FLAGGED VESSELS SUSPECTED OF DRIFTNET FISHING. THE MOU ALSO ESTABLISHED A SHIPRIDER PROGRAM, WHICH ALLOWS PRC FISHERIES ENFORCEMENT OFFICIALS TO EMBARK ON U.S. COAST GUARD CUTTERS DURING EACH DRIFTNET FISHING SEASON. AS A BILATERAL ENFORCEMENT AGREEMENT, THE MOU NEGATES THE REQUIREMENT FOR THE UNITED STATES AND THE PRC TO ENTER INTO LENGTHY DIPLOMATIC DISCUSSIONS TO OBTAIN FLAG-STATE AUTHORIZATION TO CONDUCT A FISHERIES ENFORCEMENT BOARDING ON THE HIGH SEAS. THE MOU EXPIRED ON 31 DECEMBER 1998 AND WAS EXTENDED THROUGH 31 DECEMBER 2001.

DURING 1999, FOUR PRC OFFICIALS WERE STAGED IN KODIAK, ALASKA, FOR DEPLOYMENT TO COAST GUARD CUTTERS TO SUPPORT ENFORCEMENT AGAINST ILLEGAL HIGH SEAS FISHING ACTIVITY. AN OFFICIAL WAS DEPLOYED ON TWO OCCASIONS. DURING THE CASE OF THE YING FA, THE PRC OFFICIAL'S ASSISTANCE PROVED INVALUABLE IN DETERMINING THE STATUS OF THE VESSEL, CONTROLLING THE SITUATION, AND TAKING APPROPRIATE LAW ENFORCEMENT ACTION.

### **U.S.-ITALY DRIFTNET AGREEMENT**

FOLLOWING AN ORDER OF THE U.S. COURT OF INTERNATIONAL TRADE, THE UNITED STATES ON 19 MARCH 1999 IDENTIFIED ITALY AS A NATION FOR WHICH THERE IS REASON TO BELIEVE ITS NATIONALS OR VESSELS ARE CONDUCTING LARGE-SCALE DRIFTNET FISHING BEYOND THE EXCLUSIVE ECONOMIC ZONE OF ANY NATION, PURSUANT TO THE U.S. HIGH SEAS DRIFTNET FISHERIES ENFORCEMENT ACT (THE ACT). THIS MARKED THE SECOND TIME THE UNITED STATES HAS IDENTIFIED ITALY PURSUANT TO THE ACT (THE FIRST IDENTIFICATION WAS IN 1996). AS A RESULT OF THE IDENTIFICATION, THE UNITED STATES BEGAN CONSULTATIONS WITH THE GOVERNMENT OF ITALY ON 17 APRIL 1999 TO OBTAIN AN AGREEMENT TO EFFECT THE IMMEDIATE TERMINATION OF SUCH ACTIVITIES. AGREEMENT WAS FORMALLY REACHED BY THE TWO COUNTRIES ON 15 JULY 1999, VIA AN EXCHANGE OF DIPLOMATIC NOTES, ON MEASURES TO END ITALIAN LARGE-SCALE HIGH SEAS

## DRIFTNET FISHING.

THE NEW DRIFTNET AGREEMENT REITERATED THE GOVERNMENT OF ITALY'S COMMITMENT TO FULL IMPLEMENTATION OF THE MEASURES TO COMBAT LARGE-SCALE HIGH SEAS DRIFTNET FISHING IN THE 1996 U.S.-ITALY DRIFTNET AGREEMENT. AS A RESULT OF ITALY'S DRIFTNET VESSEL CONVERSION PROGRAM (A PRODUCT OF THE 1996 AGREEMENT), ALMOST 80 PERCENT OF ITALY'S DRIFTNET FLEET OF 679 VESSELS HAS BEEN CONVERTED TO OTHER FISHING METHODS OR SCRAPPED. IN AN EFFORT TO INDUCE THE REMAINING DRIFTNET VESSELS TO APPLY FOR THE PROGRAM, ITALY EXTENDED THE APPLICATION DEADLINE TO THE END OF DECEMBER 1999.

ITALY TOOK A NUMBER OF ADDITIONAL MEASURES TO STRENGTHEN THE ENFORCEMENT OF ITS LAWS RELATING TO DRIFTNET FISHING. IT PUBLICIZED A MARCH 1999 COURT DECISION PROHIBITING THE POSSESSION, AS WELL AS USE OF, DRIFTNETS LONGER THAN 2.5 KILOMETERS. ITALY INCREASED BOARDING AND INSPECTIONS OF DRIFTNET VESSELS AT DOCKSIDE, BEFORE THEY LEAVE TO GO FISHING AND WHEN THEY RETURN TO PORT. THE ITALIAN GOVERNMENT IMPLEMENTED A DETAILED 1999 ENFORCEMENT ACTION PLAN INVOLVING JOINT ENFORCEMENT EFFORTS WITH EUROPEAN UNION FISHERIES INSPECTORS AND PROPOSED BILATERAL ENFORCEMENT AGREEMENTS WITH OTHER EUROPEAN UNION MEDITERRANEAN COUNTRIES. THE ITALIAN COAST GUARD COMMITTED TO INCREASE AT-SEA MONITORING BY REGIONAL COAST GUARD DISTRICTS AND SPOT CHECKS OF SEIZED DRIFTNETS, UNTIL SUCH NETTING CAN BE DESTROYED.

THE GOVERNMENTS OF THE UNITED STATES AND ITALY AGREED TO CONDUCT PERIODIC CONSULTATIONS REGARDING THE IMPLEMENTATION OF THE UNITED NATIONS GLOBAL MORATORIUM ON LARGE-SCALE HIGH SEAS DRIFTNET FISHING. SUCH CONSULTATIONS WILL CONTINUE UNTIL THE END OF 2001, WHEN A EUROPEAN UNION BAN ON ALL DRIFTNET FISHING WILL ENTER INTO FORCE.

## **FISHERIES ENFORCEMENT MEMORANDUM OF UNDERSTANDING (MOU)**

ON 11 OCTOBER 1993, THE SECRETARIES OF TRANSPORTATION, COMMERCE, AND DEFENSE ENTERED INTO AN MOU TO MORE EFFECTIVELY ENFORCE DOMESTIC LAWS AND INTERNATIONAL AGREEMENTS THAT CONSERVE AND MANAGE THE LIVING MARINE RESOURCES OF THE UNITED STATES. THE MOU, REQUIRED UNDER SECTION 202 OF PUBLIC LAW 102-582, THE HIGH SEAS DRIFTNET FISHERIES ENFORCEMENT ACT, ESTABLISHES A MECHANISM FOR THE USE OF THE SURVEILLANCE CAPABILITIES OF THE DEPARTMENT OF DEFENSE (DOD) FOR LOCATING AND IDENTIFYING VESSELS VIOLATING U.S. MARINE CONSERVATION LAWS AND INTERNATIONAL AGREEMENTS, INCLUDING UNGA RESOLUTION 46/215. THE MOU ALSO SETS FORMAL PROCEDURES FOR COMMUNICATING VESSEL LOCATIONS TO THE SECRETARY OF COMMERCE AND THE U.S. COAST GUARD. NMFS AND THE U.S. COAST GUARD HAVE CONTINUED TO UTILIZE DOD SURVEILLANCE INFORMATION FOR LOCATING AND



IDENTIFYING LARGE-SCALE HIGH SEAS DRIFTNET FISHING VESSELS IN 1999. THEY WILL CONTINUE TO EXPLORE OTHER POSSIBLE USES OF DOD SURVEILLANCE ASSETS FOR THE MONITORING OF DRIFTNET FISHING VESSELS AND FISHING ACTIVITY.

## **PART II**

### **MEASURES TAKEN TO ENSURE THAT NO VESSELS ENTITLED TO FLY THE U.S.-FLAG FISH IN AREAS UNDER NATIONAL JURISDICTION OF OTHER STATES UNLESS DULY AUTHORIZED BY THE COMPETENT AUTHORITIES OF THE COASTAL STATES CONCERNED AND IN ACCORDANCE WITH THE CONDITIONS SET OUT IN THE AUTHORIZATION**

AS A PRINCIPAL SPONSOR OF GENERAL ASSEMBLY RESOLUTIONS 49/116, 52/29 AND 53/33, THE UNITED STATES IS PARTICULARLY INTERESTED IN ENSURING THAT FLAG STATES FULFILL THEIR OBLIGATION TO PREVENT FISHING VESSELS ENTITLED TO FLY THEIR NATIONAL FLAG FROM FISHING IN AREAS UNDER THE NATIONAL JURISDICTION OF OTHER STATES UNLESS DULY AUTHORIZED, AND TO ENSURE THAT THESE FISHING OPERATIONS ARE CONDUCTED IN ACCORDANCE WITH THE TERMS AND CONDITIONS ESTABLISHED BY COMPETENT AUTHORITY. IN ADDITION TO BEING A SOURCE OF INTERNATIONAL CONFLICT, UNAUTHORIZED FISHING CAN HAVE A SERIOUS DELETERIOUS IMPACT ON FISHERY RESOURCES AND WARRANTS THE ATTENTION OF ALL STATES.

STATES HAVE AN OBLIGATION UNDER INTERNATIONAL LAW, AS REFLECTED IN THE UNITED NATIONS CONVENTION ON THE LAW OF THE SEA, TO TAKE MEASURES TO PREVENT FISHING VESSELS ENTITLED TO FLY THEIR NATIONAL FLAG FROM FISHING IN ZONES UNDER THE NATIONAL JURISDICTION OF OTHER STATES UNLESS DULY AUTHORIZED TO DO SO, AND TO ENSURE THAT SUCH FISHING IS IN ACCORDANCE WITH APPLICABLE LAWS AND REGULATIONS. ARTICLE 56(1) OF THE CONVENTION PROVIDES THAT COASTAL STATES HAVE SOVEREIGN RIGHTS FOR THE PURPOSE OF EXPLORING AND EXPLOITING, CONSERVING AND MANAGING THE NATURAL RESOURCES, WHETHER LIVING OR NON-LIVING, WITHIN THEIR RESPECTIVE ZONES OF NATIONAL JURISDICTION. FURTHERMORE, ARTICLE 62(4) OF THE CONVENTION PROVIDES THAT NATIONALS OF OTHER STATES FISHING IN THE EXCLUSIVE ECONOMIC ZONE SHALL COMPLY WITH THE CONSERVATION MEASURES AND WITH THE TERMS AND CONDITIONS ESTABLISHED IN THE LAWS AND REGULATIONS OF THE COASTAL STATE.

FOR ITS PART, THE UNITED STATES HAS LONG ACTED TO PREVENT UNAUTHORIZED FISHING IN ZONES UNDER THE NATIONAL JURISDICTION OF OTHER STATES BY VESSELS ENTITLED TO FLY THE U.S. FLAG. THE OLDEST AND BROADEST INSTRUMENT AVAILABLE TO THE UNITED STATES TO IMPLEMENT THIS OBJECTIVE IS THE LACEY ACT AMENDMENTS OF 1981 (THIS STATUTE IS GENERALLY REFERRED TO AS THE LACEY ACT). ORIGINALLY ENACTED IN 1900, THE LACEY ACT PROVIDES, INTER ALIA, THAT

IT IS A VIOLATION OF U.S. LAW FOR PERSONS SUBJECT TO THE JURISDICTION OF THE UNITED STATES TO CONDUCT FISHING OPERATIONS IN VIOLATION OF FOREIGN LAW. IT IS ONE OF THE UNITED STATES' PRIMARY LAWS DIRECTLY TARGETING ILLICIT INTERSTATE OR FOREIGN COMMERCE IN ILLEGALLY TAKEN FISH, WILDLIFE, AND PLANT SPECIES.

MORE SPECIFICALLY, THE LACEY ACT MAKES IT UNLAWFUL FOR ANY PERSON OR OTHER ENTITY SUBJECT TO THE JURISDICTION OF THE UNITED STATES TO IMPORT, EXPORT, TRANSPORT, SELL, RECEIVE, ACQUIRE, OR PURCHASE (OR ATTEMPT TO COMMIT ANY OF THESE ACTS) IN INTERSTATE OR FOREIGN COMMERCE, ANY FISH OR WILDLIFE TAKEN, POSSESSED, TRANSPORTED, OR SOLD IN VIOLATION OF ANY LAW OR REGULATION OF ANY STATE OF THE UNITED STATES OR IN VIOLATION OF ANY FOREIGN LAW.

IN ADDITION, THE LACEY ACT PROVIDES THAT WITHIN THE SPECIAL MARITIME AND TERRITORIAL JURISDICTION OF THE UNITED STATES, IT IS UNLAWFUL FOR ANY PERSON TO POSSESS ANY FISH TAKEN, POSSESSED, TRANSPORTED, OR SOLD (OR ATTEMPT TO COMMIT ANY OF THESE ACTS) IN VIOLATION OF ANY LAW OR REGULATION OF ANY STATE OF THE UNITED STATES OR IN VIOLATION OF ANY FOREIGN LAW. THE TERM "SPECIAL MARITIME AND TERRITORIAL JURISDICTION OF THE UNITED STATES" IS DEFINED TO INCLUDE THE HIGH SEAS, ANY OTHER WATERS WITHIN THE ADMIRALTY AND MARITIME JURISDICTION OF ANY PARTICULAR STATE OF THE UNITED STATES AND OUT OF THE JURISDICTION OF ANY PARTICULAR STATE OF THE UNITED STATES, AND ANY VESSEL BELONGING IN WHOLE OR IN PART TO THE UNITED STATES OR ANY CITIZEN. THIS DEFINITION GIVES THE UNITED STATES GOVERNMENT JURISDICTION OVER ACTIVITIES THAT TAKE PLACE ON BOARD VESSELS FLYING ITS FLAG ON THE HIGH SEAS AND WITHIN WATERS UNDER THE NATIONAL JURISDICTION OF FOREIGN COASTAL STATES.

ENFORCEMENT OF THE LACEY ACT IS SUPPORTED BY BOTH CIVIL AND CRIMINAL PENALTIES.

THE UNITED STATES IS ALSO A PARTY TO A VARIETY OF INTERNATIONAL AGREEMENTS THAT FURTHER PROHIBIT U.S. NATIONALS AND VESSELS FROM ENGAGING IN UNAUTHORIZED FISHING IN CERTAIN AREAS UNDER THE FISHERIES JURISDICTION OF OTHER STATES. SEVERAL SUCH AGREEMENTS HAVE BEEN CONCLUDED WITH THE GOVERNMENTS OF COLOMBIA, THE UNITED KINGDOM, THE RUSSIAN FEDERATION, CANADA, AND NUMEROUS GOVERNMENTS IN THE SOUTH PACIFIC OCEAN. THE UNITED STATES HAS ALSO RATIFIED THE 1995 UN FISH STOCKS AGREEMENT WHICH, WHILE NOT YET IN FORCE, ALSO PROHIBITS SUCH FISHING OPERATIONS.

THE LACEY ACT AND THE TREATIES AND AGREEMENTS MENTIONED ABOVE HAVE WORKED WELL TO PROMOTE BILATERAL AND MULTILATERAL COOPERATION. FURTHERMORE, THESE MEASURES HAVE CONTRIBUTED SIGNIFICANTLY TO SUPPORT THE CONSERVATION OF FISHERIES RESOURCES WITHIN ZONES UNDER NATIONAL

JURISDICTION. NEVERTHELESS, SEVERAL PROBLEMS INHIBIT FULL IMPLEMENTATION OF RESOLUTION 52/29 AND 53/33. FIRST, DETECTION OF ANY ALLEGED ILLEGAL FISHING ACTIVITY WITHIN ZONES OF NATIONAL JURISDICTION DEPENDS LARGELY ON THE ENFORCEMENT CAPABILITY OF THE COASTAL STATE. THE FISHERY ENFORCEMENT CAPABILITY OF MANY COASTAL STATES, HOWEVER (AND ESPECIALLY AMONG DEVELOPING STATES WITH LARGE NATIONAL ZONES), IS FREQUENTLY LIMITED BECAUSE OF INADEQUATE RESOURCES. SECOND, PROSECUTION UNDER THE LACEY ACT IS DEPENDENT UPON A SEPARATE VIOLATION OF AN UNDERLYING FOREIGN OR FEDERAL LAW. SUCH PROSECUTIONS CAN INVOLVE DIFFICULT EVIDENTIARY ISSUES, FOR EXAMPLE PROVING THAT A U.S.-FLAG FISHING VESSEL VIOLATED A LAW OR A REGULATION OF A FOREIGN COUNTRY. THIRD, EFFECTIVE PROSECUTIONS UNDER THE LACEY ACT AND IN ACCORDANCE WITH OTHER INTERNATIONAL AGREEMENTS AND TREATIES REQUIRE STRONG COOPERATION BETWEEN U.S. AND FOREIGN OFFICIALS. SUCH COOPERATION MAY NOT ALWAYS BE FORTHCOMING. FOURTH, PROSECUTING VIOLATIONS OF UNAUTHORIZED FISHING ACTIVITIES, WHICH OCCUR WITHIN THE JURISDICTION OF A FOREIGN COUNTRY, IS EXPENSIVE, INVOLVING, FOR EXAMPLE, THE COST OF PROVIDING TRANSPORTATION TO WITNESSES. THE UNITED STATES DEFRAYS THE COSTS OF LITIGATING VIOLATIONS OF ITS FISHERIES LAWS AND REGULATIONS THROUGH A FUND THAT CONSISTS OF MONIES COLLECTED FROM FINES, PENALTIES, AND FORFEITURES.

DESPITE THESE DIFFICULTIES, THE UNITED STATES IS COMMITTED TO FULFILLING ITS RESPONSIBILITIES AS A FLAG STATE AND BELIEVES THAT IT HAS ACHIEVED MUCH TO PREVENT UNAUTHORIZED FISHING IN ZONES UNDER THE NATIONAL JURISDICTION OF OTHER STATES BY U.S.-FLAG FISHING VESSELS.

WITHIN ITS OWN ZONE OF NATIONAL JURISDICTION, THE UNITED STATES PROHIBITS UNAUTHORIZED FISHING BY FISHING VESSELS FROM FOREIGN COUNTRIES. THE MAGNUSON-STEVENSON ACT STATES THAT NO FOREIGN FISHING IS AUTHORIZED WITHIN THE EEZ OF THE UNITED STATES UNLESS AUTHORIZED AND CONDUCTED UNDER, AND IN ACCORDANCE WITH, A VALID AND APPLICABLE PERMIT. WITH CERTAIN EXCEPTIONS (E.G., REGARDING TRANSSHIPMENTS), THESE PERMITS CAN ONLY BE ISSUED IF THE RELEVANT FOREIGN COUNTRY HAS CONCLUDED AN INTERNATIONAL FISHING AGREEMENT WITH THE UNITED STATES. SUCH AGREEMENTS ACKNOWLEDGE THE EXCLUSIVE FISHERY MANAGEMENT AUTHORITY OF THE UNITED STATES, REQUIRE FOREIGN NATIONS AND THE OWNER OR OPERATOR OF ANY FOREIGN FISHING VESSEL TO ABIDE BY ALL U.S. REGULATIONS, AND PROVIDE FOR ENFORCEMENT OF U.S. FISHERIES LAWS AND REGULATIONS. FOREIGN FISHING ACTIVITIES WITHIN THE U.S. EEZ ARE MONITORED AND ENFORCED BY THE U.S. COAST

GUARD AND THE NATIONAL MARINE FISHERIES SERVICE.

### **PART III**

**ACTIONS TAKEN TO PROHIBIT VESSELS FLYING THE U.S. FLAG FROM ENGAGING IN FISHING OPERATIONS FOR STRADDLING FISH STOCKS OR HIGHLY MIGRATORY FISH STOCKS WHICH ARE SUBJECT TO THE CONSERVATION AND MANAGEMENT MEASURES ESTABLISHED BY A REGIONAL FISHERIES MANAGEMENT ORGANIZATION OR ARRANGEMENT TO WHICH IT IS NOT A MEMBER/PARTICIPANT AND TO ENSURE THAT ITS VESSELS DO NOT UNDERMINE THE EFFECTIVENESS OF SUCH MEASURES IN ACCORDANCE WITH PARTS IV AND V OF THE UN FISH STOCKS AGREEMENT, INCLUDING MEASURES TO DETER REFLAGGING TO AVOID COMPLIANCE WITH APPLICABLE OBLIGATIONS**

THE UNITED STATES FULLY SUPPORTS COMPLIANCE WITH CONSERVATION AND MANAGEMENT MEASURES ESTABLISHED BY REGIONAL FISHERIES ORGANIZATIONS AND ARRANGEMENTS. FOR THIS REASON, AMONG OTHERS, THE UNITED STATES WAS A PRINCIPAL SPONSOR OF GENERAL ASSEMBLY RESOLUTION 52/29 AND 53/33. THE UNITED STATES WAS ALSO AMONG THE FIRST STATES TO DEPOSIT AN INSTRUMENT OF RATIFICATION FOR THE 1995 AGREEMENT FOR THE IMPLEMENTATION OF THE PROVISIONS OF THE UNITED NATIONS CONVENTION ON THE LAW OF THE SEA OF 10 DECEMBER 1982 RELATING TO THE CONSERVATION AND MANAGEMENT OF STRADDLING FISH STOCKS AND HIGHLY MIGRATORY FISH STOCKS (UN FISH STOCKS AGREEMENT). THE UNITED STATES WAS ALSO AMONG THE FIRST STATES TO ACCEPT THE 1993 AGREEMENT TO PROMOTE COMPLIANCE WITH INTERNATIONAL CONSERVATION AND MANAGEMENT MEASURES BY FISHING VESSELS ON THE HIGH SEAS (COMPLIANCE AGREEMENT).

THE UNITED STATES IMPLEMENTS THE COMPLIANCE AGREEMENT THROUGH THE HIGH SEAS FISHING COMPLIANCE ACT OF 1995 (HSFCA). IN ACCORDANCE WITH THE HSFCA, THE SECRETARY OF COMMERCE (SECRETARY) HAS PROMULGATED REGULATIONS TO ESTABLISH A PERMITTING SYSTEM FOR HIGH SEAS FISHING VESSELS, COLLECT APPLICATION FEES, AND PROVIDE NOTICE OF INTERNATIONAL CONSERVATION AND MANAGEMENT MEASURES RECOGNIZED BY THE UNITED STATES. THE REGULATIONS ALSO SPECIFY UNLAWFUL ACTIVITIES AND PROVIDE FOR APPROPRIATE ENFORCEMENT, CIVIL PENALTIES, PERMIT SANCTIONS, CRIMINAL OFFENSES AND FORFEITURES. VESSEL IDENTIFICATION AND REPORTING REQUIREMENTS APPLICABLE TO VESSELS FISHING ON THE HIGH SEAS HAVE ALSO BEEN IMPLEMENTED.

THE HSFCA REQUIRES THE SECRETARY TO ISSUE PERMITS TO U.S. VESSELS THAT FISH ON THE HIGH SEAS; SUCH PERMITS HAVE BEEN ISSUED SINCE APRIL 1996. TO DATE, APPROXIMATELY 1,100 PERMITS HAVE BEEN ISSUED. THE PERMIT APPLICATION UNDER THE HSFCA COLLECTS THE INFORMATION CALLED FOR BY THE COMPLIANCE AGREEMENT. ALSO IN ACCORDANCE WITH THE COMPLIANCE AGREEMENT, THIS INFORMATION IS MAINTAINED IN AN

AUTOMATED FILE OF HIGH SEAS FISHING VESSELS. THE NATIONAL MARINE FISHERIES SERVICE REGULARLY PROVIDES DATA TO FAO AS REQUIRED UNDER THE COMPLIANCE AGREEMENT.

IN ACCORDANCE WITH SECTION 104(D) OF THE HSFCA, AND IN ACCORDANCE WITH THE COMPLIANCE AGREEMENT, THE HIGH SEAS PERMITS ISSUED ARE CONDITIONED TO REQUIRE THE PERMIT HOLDER TO ACT IN COMPLIANCE WITH ALL INTERNATIONAL CONSERVATION AND MANAGEMENT MEASURES RECOGNIZED BY THE UNITED STATES. BY SO CONDITIONING PERMITS, THE UNITED STATES HAS ACTED TO PROHIBIT VESSELS FLYING THE U.S. FLAG FROM ENGAGING IN FISHING OPERATIONS FOR STRADDLING FISH STOCKS OR HIGHLY MIGRATORY FISH STOCKS, WHETHER OR NOT THE UNITED STATES IS A MEMBER OF, OR PARTICIPANT IN, THE RELEVANT MANAGEMENT ORGANIZATION OR ARRANGEMENT FOR SUCH STOCKS.

IN ADDITION, THE UNITED STATES IS A MAJOR PROPONENT OF THE NEGOTIATIONS UNDERWAY IN FAO TO DEVELOP AN INTERNATIONAL PLAN OF ACTION (IPOA) TO PREVENT, DETER AND ELIMINATE ILLEGAL, UNREPORTED AND UNREGULATED (IUU) FISHING. IN MAY, EXPERTS MEETING IN SYDNEY, AUSTRALIA MADE COMMENDABLE PROGRESS IN THE DEVELOPMENT A DRAFT IPOA. THE UNITED STATES SUPPORTS THE ADOPTION OF TEXT FOR AN IPOA ON THIS TOPIC, ALONG THE LINES OF THAT NEGOTIATED AT THE EXPERT CONSULTATION.

THE UNITED STATES ALSO PLACES PARTICULAR IMPORTANCE ON THE NEED FOR IMPROVED GLOBAL STATUS AND TRENDS REPORTING. THE FAO ADVISORY COMMITTEE ON FISHERIES RESEARCH IS POINTING US TO THE NEED FOR A GLOBAL FISHERIES INFORMATION SYSTEM OR NETWORK, MADE UP OF REGIONAL AND NATIONAL ENTITIES. WE SUPPORT THIS RECOMMENDATION AND URGE STATES TO TAKE INTERNATIONAL ACTION TO FACILITATE SUCH A NETWORK. THERE IS AN IMPORTANT OPPORTUNITY FOR PROGRESS IN CONTROLLING IUU FISHERIES, IN PART DUE TO THE ESTABLISHMENT OF AN AD HOC WORKING GROUP ON IUU FISHING BETWEEN FAO AND THE IMO. WE RECOMMEND THAT THE AD HOC WORKING GROUP BE REPRESENTED AT THE UPCOMING OCTOBER FAO TECHNICAL CONSULTATION AND THE FEBRUARY 2001 MEETING OF THE FAO COMMITTEE ON FISHERIES.

#### **PART IV**

##### **ACTIONS TAKEN TO REDUCE BYCATCH, FISH DISCARDS AND POST-HARVEST LOSSES**

AS A PRINCIPAL SPONSOR OF UNITED NATIONS GENERAL ASSEMBLY RESOLUTION 50/25, 52/29 AND 53/33, THE UNITED STATES IS ESPECIALLY INTERESTED IN EFFORTS TO REDUCE BY-CATCH, FISH DISCARDS AND POST-HARVEST LOSSES. BYCATCH HAS BECOME A CENTRAL CONCERN OF FISHING INDUSTRIES, RESOURCE MANAGERS, SCIENTISTS AND THE PUBLIC, BOTH NATIONALLY AND GLOBALLY. BYCATCH CONCERNS STEM FROM THE APPARENT WASTE THAT DISCARDS REPRESENT WHEN SO MANY OF THE WORLD'S MARINE

RESOURCES ARE EITHER UTILIZED TO THEIR FULL POTENTIAL OR ARE OVEREXPLOITED. IN ADDITION TO BY-CATCH OF FISHERIES RESOURCES, BY-CATCH ISSUES APPLY TO MARINE MAMMALS, SEA TURTLES, SEABIRDS AND OTHER COMPONENTS OF MARINE ECOSYSTEMS. IT IS INCREASINGLY RECOGNIZED IN THE UNITED STATES AND THROUGHOUT THE WORLD THAT BY-CATCH CAN IMPEDE EFFORTS TO ACHIEVE SUSTAINABLE FISHERIES.

SINCE THE 1997 U.S. REPORT TO THE SECRETARY-GENERAL, THE UNITED STATES HAS UNDERTAKEN ADDITIONAL IMPORTANT STEPS TO REDUCE FISH DISCARDS AND BY-CATCH IN DOMESTIC AND INTERNATIONAL FISHERIES. DOMESTICALLY, A RECENT ASSESSMENT OF DISCARDING IN U.S. FISHERIES INDICATED THAT OF 159 DISTINCT FISHERIES, DISCARDING AFFECTS AT LEAST 149 SPECIES OR SPECIES GROUPS. FINFISH, CRUSTACEANS, AND MOLLUSKS COMPRISE A MAJORITY OF THESE SPECIES OR SPECIES GROUPS, WHILE PROTECTED SPECIES SUCH AS MARINE MAMMALS, SEA TURTLES, AND SEA BIRDS MAKE UP MOST OF THE REMAINDER. THE PASSAGE OF THE SUSTAINABLE FISHERIES ACT IN 1996 REPRESENTED AN IMPORTANT MILESTONE ON THE BYCATCH ISSUE IN TWO WAYS. FIRST, IT PROVIDED A LEGAL DEFINITION OF BYCATCH, ESSENTIALLY FISH HARVESTED IN A FISHERY, BUT NOT SOLD OR KEPT FOR PERSONAL USE. SECOND, IT CREATED NATIONAL STANDARD 9 THAT STATES "CONSERVATION AND MANAGEMENT MEASURES SHALL, TO THE EXTENT PRACTICABLE, (A) MINIMIZE BY-CATCH AND (B) TO THE EXTENT BY-CATCH CANNOT BE AVOIDED, MINIMIZE MORTALITY OF SUCH BY-CATCH." THE RESULT IS THAT ALL CURRENT AND FUTURE FISHERY MANAGEMENT PLANS AND ANY REGULATION DESIGNED TO IMPLEMENT THOSE PLANS MUST BE CONSISTENT WITH THIS NEW NATIONAL STANDARD. AS DIRECTED BY THE MAGNUSON-STEVENSON FISHERIES CONSERVATION AND MANAGEMENT ACT (MSFCMA), THE NATIONAL MARINE FISHERIES SERVICE (NMFS) HAS RECENTLY DEVELOPED ADVISORY GUIDELINES TO ASSIST IMPLEMENTATION OF THIS AND OTHER NATIONAL STANDARDS.

IN ORDER TO RESPOND TO BY-CATCH ISSUES AND INCREASING REGULATORY REQUIREMENTS, THE U.S. FISHING INDUSTRY INITIATED IN 1992 A SERIES OF WORKSHOPS TO DEVELOP STRATEGIES TO REDUCE BY-CATCHES AND TO INCREASE INDUSTRY AND PUBLIC UNDERSTANDING OF BY-CATCH ISSUES. THE RECOMMENDATIONS FROM THESE WORKSHOPS AND FROM ENVIRONMENTAL GROUPS AND THE PUBLIC PROMPTED THE NMFS TO PREPARE A NATIONAL BYCATCH PLAN TO CLEARLY ARTICULATE THE AGENCY'S OBJECTIVES, PRIORITIES AND STRATEGIES IN THIS AREA. THE PLAN, ENTITLED "MANAGING THE NATION'S BYCATCH: PRIORITIES, PROGRAMS, AND ACTIONS FOR THE NATIONAL MARINE FISHERIES SERVICE," WAS COMPILED BY AGENCY EXPERTS WITH EXPERIENCE IN FISHERIES MANAGEMENT, STOCK ASSESSMENT AND SOCIAL SCIENCES. THE PLAN IS INTENDED TO SERVE AS A GUIDE REGARDING CURRENT PROGRAMS AND FUTURE EFFORTS TO REDUCE BY-CATCH AND BY-CATCH MORTALITY OF MARINE RESOURCES. THESE PROGRAMS REPRESENT THE WHOLE SPECTRUM OF RESEARCH, MANAGEMENT, AND ENFORCEMENT ACTIVITIES THAT INCLUDE

FISHERIES UNDER THE JURISDICTION OF THE MAGNUSON-STEVENS FISHERIES CONSERVATION AND MANAGEMENT ACT. SINCE FISHERY RESOURCES AND PROTECTED SPECIES ARE INTERACTIVE MEMBERS OF THE SAME ECOSYSTEMS, THE PLAN ADDRESSES PROGRAMS UNDER THE AUTHORITY OF THE MARINE MAMMAL PROTECTION ACT FOR MARINE MAMMALS, THE ENDANGERED SPECIES ACT FOR "THREATENED" AND "ENDANGERED" SPECIES, AND THE MIGRATORY BIRD TREATY ACT FOR SEABIRDS.

THE BYCATCH PLAN OUTLINES THE FOLLOWING FIVE MAJOR OBJECTIVES: (1) DETERMINE THE MAGNITUDE OF BY-CATCH; (2) DETERMINE THE POPULATION, ECOSYSTEM, AND SOCIO-ECONOMIC IMPACTS OF BY-CATCH AND BY-CATCH MORTALITY; (3) DETERMINE WHETHER CURRENT CONSERVATION AND MANAGEMENT MEASURES MINIMIZE BY-CATCH TO THE EXTENT PRACTICABLE AND, IF NECESSARY, CHOOSE NEW ALTERNATIVES; (4) IMPLEMENT AND MONITOR THE SELECTED ALTERNATIVE; AND (5) IMPROVE PUBLIC UNDERSTANDING OF BY-CATCH ISSUES.

THE UNITED STATES IS ALSO ACTIVELY INVOLVED IN EFFORTS TO REDUCE BY-CATCH AND FISH DISCARDS IN INTERNATIONAL FISHERIES THROUGH INTERNATIONAL TREATIES AND DOMESTIC LEGISLATION. THESE EFFORTS INCLUDE MEASURES TO REDUCE DOLPHIN MORTALITY IN THE EASTERN TROPICAL PACIFIC TUNA FISHERY AND THE INCIDENTAL MORTALITY OF SEA TURTLES IN COMMERCIAL SHRIMP FISHERIES THROUGHOUT THE WORLD, EFFORTS TO ENFORCE THE WORLDWIDE BAN ON DRIFTNETS, AND VOLUNTARY PLANS TO MITIGATE THE MORTALITY OF SEABIRDS IN LONGLINE FISHERIES. THE UNITED STATES HAS ALSO STRONGLY ADVOCATED FOR AND SUPPORTED PROVISIONS ON MINIMIZING WASTE, DISCARD, AND CATCH OF NON-TARGET SPECIES (BOTH FISH AND NON-FISH SPECIES) IN THE ONGOING NEGOTIATIONS TO ESTABLISH A REGIONAL FISHERIES MANAGEMENT ORGANIZATION FOR HIGHLY MIGRATORY FISHERIES IN THE CENTRAL AND WESTERN PACIFIC OCEAN.

THE UNITED STATES IS ALSO PARTY TO SEVERAL INTERNATIONAL AGREEMENTS AND MEASURES THAT CONTAIN PROVISIONS ON BY-CATCH AND DISCARDS. THESE AGREEMENTS AND MEASURES INCLUDE AND THE UN FISH STOCKS AGREEMENT, THE CONVENTION ON THE CONSERVATION AND MANAGEMENT OF POLLOCK RESOURCES IN THE CENTRAL BERING SEA, THE CONVENTION FOR THE CONSERVATION OF ANADROMOUS STOCKS IN THE NORTH PACIFIC OCEAN, THE CONVENTION FOR THE PRESERVATION OF THE HALIBUT FISHERY OF THE NORTHERN PACIFIC OCEAN AND THE BERING SEA, THE INTERNATIONAL CONVENTION FOR THE CONSERVATION OF ATLANTIC TUNAS, THE CONVENTION FOR THE FUTURE MULTILATERAL COOPERATION IN THE NORTHWEST ATLANTIC FISHERIES AND THE FAO CODE OF CONDUCT FOR RESPONSIBLE FISHERIES.

REGARDING ASSISTANCE PROVIDED TO DEVELOPING COUNTRIES ON BY-CATCH REDUCTION EFFORTS, THE U.S. AGENCY FOR INTERNATIONAL DEVELOPMENT (USAID) IS THE PRIMARY

INDEPENDENT GOVERNMENT AGENCY THAT DISPENSES FOREIGN AID FOR CIVILIAN PURPOSES. SINCE 1979, USAID HAS IDENTIFIED THREE MAIN AREAS OF FISHERIES ASSISTANCE PRIORITIES: (1) STOCK ASSESSMENTS; (2) POND DYNAMICS IN AQUACULTURE; AND (3) POST HARVEST LOSSES-SPOILAGE AND BY-CATCH REDUCTION. OVER THE YEARS, USAID HAS DEDICATED FUNDING TO THE FIRST TWO PRIORITIES, BUT HAS NOT COMMITTED SUBSTANTIAL FUNDING IN THE AREA OF BY-CATCH REDUCTION.

## **PART V**

### **STATUS AND IMPLEMENTATION OF THE AGREEMENT TO PROMOTE COMPLIANCE WITH INTERNATIONAL CONSERVATION AND MANAGEMENT MEASURES BY FISHING VESSELS ON THE HIGH SEAS**

THE UNITED STATES IS A CONTRACTING PARTY TO THE 1993 AGREEMENT TO PROMOTE COMPLIANCE WITH INTERNATIONAL CONSERVATION AND MANAGEMENT MEASURES BY FISHING VESSELS ON THE HIGH SEAS (COMPLIANCE AGREEMENT). AS OUTLINED UNDER PART III, THE UNITED STATES IMPLEMENTS THE COMPLIANCE AGREEMENT THROUGH THE HIGH SEAS FISHING COMPLIANCE ACT OF 1995 (HSFCA). IN ACCORDANCE WITH THE HSFCA, THE SECRETARY OF COMMERCE HAS PROMULGATED REGULATIONS TO ESTABLISH A PERMITTING SYSTEM FOR HIGH SEAS FISHING VESSELS, COLLECT APPLICATION FEES, AND PROVIDE NOTICE OF INTERNATIONAL CONSERVATION AND MANAGEMENT MEASURES RECOGNIZED BY THE UNITED STATES. THE REGULATIONS ALSO SPECIFY UNLAWFUL ACTIVITIES AND PROVIDE FOR APPROPRIATE ENFORCEMENT, CIVIL PENALTIES, PERMIT SANCTIONS, CRIMINAL OFFENSES AND FORFEITURES. VESSEL IDENTIFICATION AND REPORTING REQUIREMENTS APPLICABLE TO VESSELS FISHING ON THE HIGH SEAS HAVE ALSO BEEN IMPLEMENTED.

THE UNITED STATES ACTIVELY PROMOTES THE ADOPTION OF THE PROVISIONS OF THE COMPLIANCE AGREEMENT BY REGIONAL FISHERIES MANAGEMENT ORGANIZATIONS AND URGES THOSE STATES THAT HAVE NOT YET DONE SO TO RATIFY THE AGREEMENT. TO DATE, ONLY 17 STATES, OUT OF THE TWENTY-FIVE NEEDED TO BRING IT INTO FORCE, HAVE DEPOSITED INSTRUMENTS OF RATIFICATION.

## **PART VI**

### **ACTIONS TAKEN TO IMPLEMENT THE FOOD AND AGRICULTURE ORGANIZATION (FAO) INTERNATIONAL PLANS OF ACTION FOR THE MANAGEMENT OF FISHING CAPACITY, FOR THE MANAGEMENT AND CONSERVATION OF SHARKS, AND FOR REDUCING INCIDENTAL CATCH OF SEABIRDS IN LONGLINE FISHERIES**

U.S. IMPLEMENTATION OF THE FAO INTERNATIONAL PLAN OF ACTION (IPOA) FOR THE CONSERVATION AND MANAGEMENT OF SHARKS



THE FAO COMMITTEE ON FISHERIES ENDORSED THE FAO IPOA FOR THE CONSERVATION AND MANAGEMENT OF SHARKS IN FEBRUARY 1999. THE IPOA CALLS ON STATES TO KEEP TOTAL FISHING MORTALITY FOR EACH SHARK STOCK WITHIN SUSTAINABLE LEVELS BY APPLYING THE PRECAUTIONARY APPROACH, AND IMPLEMENT THE IPOA VOLUNTARILY THROUGH THE DEVELOPMENT OF A NATIONAL PLAN OF ACTION (NPOA) BY FEBRUARY 2001. MEMBER NATIONS ARE ENCOURAGED TO DEVELOP, IMPLEMENT, AND MONITOR AN NPOA IF THEIR VESSELS CONDUCT DIRECTED FISHERIES FOR SHARKS OR IF THEIR VESSELS REGULARLY CATCH SHARKS IN NON-DIRECTED FISHERIES.

SPECIFICALLY, THE IPOA SUGGESTS THAT NPOAS IDENTIFY AND IMPLEMENT MEASURES TO ENSURE THAT SHARK CATCHES FROM DIRECTED AND NON-DIRECTED FISHERIES ARE SUSTAINABLE; ASSESS THREATS TO SHARK POPULATIONS AT LEAST EVERY 4 YEARS; PROTECT CRITICAL HABITATS; PROVIDE SPECIAL ATTENTION TO VULNERABLE OR THREATENED SHARK STOCKS; MINIMIZE UNUTILIZED INCIDENTAL CATCHES OF SHARKS; ENCOURAGE FULL USE OF DEAD SHARKS; IMPROVE SPECIES-SPECIFIC CATCH AND LANDINGS DATA AND MONITORING OF SHARK CATCHES; AND CONSULT WITH STAKEHOLDERS IN RESEARCH, MANAGEMENT, AND EDUCATIONAL INITIATIVES WITHIN AND BETWEEN MEMBER NATIONS. NATIONS ARE REQUESTED TO REPORT ON THEIR PROGRESS AND PROVIDE THEIR NPOAS AT THE NEXT FAO COMMITTEE MEETING IN FEBRUARY 2001.

THE UNITED STATES SUPPORTS FULL IMPLEMENTATION OF THE IPOA THROUGH THE DEVELOPMENT OF NPOAS AND WILL ACTIVELY PARTICIPATE IN THE FAO COMMITTEE ON FISHERIES IN FEBRUARY 2001. THE U.S. DRAFT NPOA IS CURRENTLY UNDER INTERNAL REVIEW AND COMMENT; IT SHOULD BE AVAILABLE FOR PUBLIC COMMENT IN EARLY JULY 2000. THE UNITED STATES NATIONAL MARINE FISHERIES SERVICE (NMFS) ANTICIPATES THAT THE NPOA SHOULD BE FINALIZED BY THE FALL OF 2000.

NMFS BELIEVES THAT DEVELOPMENT OF NPOAS IS ONLY THE FIRST STEP TOWARDS INTERNATIONAL MANAGEMENT OF SHARKS AND THAT THE NEXT COMMITTEE ON FISHERIES MEETING IN FEBRUARY 2001 SHOULD BE A FORUM TO PURSUE OPTIONS FOR BILATERAL, REGIONAL, OR MULTILATERAL AGREEMENTS.

U.S. IMPLEMENTATION OF THE FAO INTERNATIONAL PLAN OF ACTION (IPOA) FOR REDUCING INCIDENTAL CATCH OF SEABIRDS IN LONGLINE FISHERIES

THE FAO IPOA FOR REDUCING INCIDENTAL CATCH OF SEABIRDS IN LONGLINE FISHERIES WAS ENDORSED IN PRINCIPLE AT THE 23RD FAO COMMITTEE ON FISHERIES SESSION IN FEBRUARY 1999, THEN APPROVED BY THE FISHERIES MINISTERIAL IN MARCH. AS WITH THE OTHER TWO IPOAS, THIS PLAN CALLS ON MEMBER COUNTRIES TO VOLUNTARILY DEVELOP A NATIONAL PLAN OF ACTION (NPOA) FOR THIS ISSUE.

U.S. GOVERNMENT AGENCIES DID NOT WAIT FOR THE PASSAGE OF THE IPOA TO BEGIN THE WORK OF SEABIRD PROTECTION AND MANAGEMENT. MANY MEASURES HAVE ALREADY BEEN IMPLEMENTED TO REDUCE THE INCIDENTAL CATCH OF SEABIRDS THROUGH STATUTES, INCLUDING THE MAGNUSON-STEVEN'S FISHERY CONSERVATION AND MANAGEMENT ACT, THE ENDANGERED SPECIES ACT (ESA), AND THE MIGRATORY BIRD TREATY ACT (MBTA). THE U.S. NPOA IS CURRENTLY UNDER DEVELOPMENT AS A COLLABORATIVE EFFORT BETWEEN THE NATIONAL MARINE FISHERIES SERVICE (NMFS) AND THE U.S. FISH AND WILDLIFE SERVICE (FWS), WITH ANTICIPATED COMPLETION OF THE PLAN BY FALL 2000.

THE FOLLOWING IS A LIST OF ACTIONS THAT THE UNITED STATES HAS ALREADY TAKEN TO REDUCE THE INCIDENTAL CATCH OF SEABIRDS BY LONGLINE FISHERIES AND TO PREPARE THE U.S. NPOA FOR SEABIRDS:

#### **RESEARCH ACTIONS**

- THE PACIFIC REGIONS OF NMFS HAVE BEEN STUDYING INCIDENTAL SEABIRD CATCH FOR SEVERAL YEARS AND ARE IN THE PROCESS OF QUANTIFYING THE INCIDENTAL CATCH IN THEIR RESPECTIVE LONGLINE FISHERIES. FOR EXAMPLE, THE SOUTHWEST REGION OF NMFS HAS JUST PUBLISHED A BIOLOGICAL ASSESSMENT OF THE EFFECTS OF THE HAWAIIAN LONGLINE FISHERY ON THE SHORT-TAILED ALBATROSS IN THE HAWAIIAN AREA.
- NMFS RECENTLY COMPLETED A STUDY THE EFFECTIVENESS OF SEABIRD AVOIDANCE MEASURES IN THE NORTH PACIFIC LONGLINE FISHERIES.
- THE FWS AND NMFS CONTINUE TO WORK COLLABORATIVELY ON BIOLOGICAL RESEARCH ON SEABIRDS, INCLUDING A BIOLOGICAL OPINION ON THE BERING STRAITS/ALEUTIAN ISLANDS AND GULF OF ALASKA GROUND FISH FISHERIES INTERACTIONS WITH THE SHORT-TAILED ALBATROSS.
- AS REQUIRED BY THE ENDANGERED SPECIES ACT, THE FISHERIES WITH LIKELY INTERACTIONS BETWEEN LISTED SEABIRD SPECIES ARE SUBJECT TO OBSERVER REQUIREMENTS.

#### **MANAGEMENT ACTIONS**

- AS A SIGNATORY TO THE CONVENTION FOR THE CONSERVATION OF ANTARCTIC MARINE LIVING RESOURCES (CCAMLR), THE UNITED STATES REQUIRES ITS VESSELS IN CCAMLR CONVENTION AREA WATERS TO COMPLY WITH CONVENTION GUIDELINES ON SEABIRD PROTECTION. THE ALASKA HALIBUT ACT ALSO AUTHORIZES THE ALASKA REGION TO PROMULGATE REGULATIONS, INCLUDING THOSE CONCERNING SEABIRDS, ON THE HALIBUT FISHERY.
- BOTH THE PACIFIC AND WESTERN PACIFIC MANAGEMENT COUNCILS ARE DEVELOPING NEW SEABIRD PROTECTION MEASURES IN

THEIR RESPECTIVE LONGLINE FLEETS.

- THE WESTERN PACIFIC FISHERY MANAGEMENT COUNCIL HAS REPRINTED IN ENGLISH, VIETNAMESE, AND KOREAN A PAMPHLET TITLED "CATCHING FISH NOT BIRDS - A GUIDE FOR IMPROVING YOUR LONG LINE FISHING EFFICIENCY" (NIGEL BROTHERS, FISH AND WILDLIFE SERVICE, TASMANIA, AUSTRALIA), AND DISTRIBUTED IT THROUGHOUT THE HAWAIIAN LONGLINE FISHERY. THE COUNCIL HAS ALSO HELD ADDITIONAL WORKSHOPS DESIGNED TO EDUCATE LONGLINE FISHERMEN ABOUT REDUCING THEIR SEABIRD INCIDENTAL CATCHES.

- NMFS HAS DEVELOPED AN AGENCY-WIDE PLAN OF ACTION TO ADDRESS IN GENERAL TERMS THE MANAGEMENT OF BYCATCH IN THE NATIONAL FISHERIES, INCLUDING REDUCING THE INCIDENTAL CATCH OF SEABIRD SPECIES.

#### **ADMINISTRATIVE ACTIONS**

- THE NMFS OFFICE OF SUSTAINABLE FISHERIES HIRED A SEA GRANT FELLOW FOR 1999 WHOSE PRIMARY RESPONSIBILITY WAS TO HEAD THE DEVELOPMENT OF THE U.S. NPOA ON SEABIRDS.

- THE FWS AND NMFS ARE PREPARING A FORMAL MEMORANDUM OF UNDERSTANDING THAT DETAILS THE NPOA AS A COOPERATIVE EFFORT BETWEEN THE TWO AGENCIES WHILE DESCRIBING THE DELEGATION OF DUTIES.

- THE NPOA INTERAGENCY SEABIRD WORKING GROUP CONTINUES TO COLLECT AND ORGANIZE INFORMATION ON SEABIRD-FISHERIES INTERACTIONS WITHIN THE FRAMEWORK OF THE NPOA. THIS ACTION BRINGS TOGETHER INTRA- AND INTER-AGENCY COOPERATION TO HELP IMPLEMENT THE NPOA.

U.S. IMPLEMENTATION OF THE FAO INTERNATIONAL PLAN OF ACTION (IPOA) FOR THE MANAGEMENT OF FISHING CAPACITY

THE FAO IPOA ON THE MANAGEMENT OF FISHING CAPACITY REQUIRES THAT FAO MEMBERS DEVELOP NATIONAL CAPACITY MANAGEMENT PLANS BY THE END OF 2002, LATER THAN THE COMPARABLE DEADLINES FOR THE IPOAS ON SHARKS AND SEABIRDS. NEVERTHELESS, THE UNITED STATES HAS TAKEN A NUMBER OF INTERNAL ACTIONS TO STUDY, ASSESS AND BEGIN TO ADDRESS THE PROBLEM OF OVERCAPACITY IN ITS DOMESTIC FISHERIES.

FIRST, A CONGRESSIONALLY MANDATED STUDY (THE FEDERAL INVESTMENT STUDY) WAS PREPARED BY A TASK FORCE OF NON-GOVERNMENT EXPERTS AND COMPLETED IN MID-1999, WHICH EXAMINED THE ROLES OF FEDERAL SUBSIDIES AND OTHER GOVERNMENT PROGRAMS THAT INFLUENCE LEVELS OF CAPACITY AND CAPITALIZATION IN FEDERALLY MANAGED FISHERIES.

SECOND, NMFS FORMED AN INTERNAL TASK FORCE OF FISHERY

ECONOMISTS AND OTHER EXPERTS TO DEVELOP QUALITATIVE AND QUANTITATIVE MEASURES OF HARVESTING CAPACITY IN THE FISHERIES SECTOR, AND THIS TASK FORCE ISSUED ITS FINAL REPORT WITH RECOMMENDATIONS IN LATE 1999.

THIRD, PURSUANT TO THIS TASK FORCE REPORT ON CAPACITY, NMFS HAS DECIDED TO UNDERTAKE TWO REPORTS ON LEVELS OF CAPACITY AND OVERCAPACITY IN FEDERALLY MANAGED FISHERIES: (A) A QUALITATIVE REPORT WHICH WILL BE COMPLETED IN JUNE 2000, AND (B) A MORE TECHNICAL QUANTITATIVE REPORT WHICH WILL BE COMPLETED AT THE END OF FISCAL YEAR 2000. THESE TWO REPORTS WILL BE MERGED TO GENERATE ONE OFFICIAL REPORT ON CAPACITY AND OVERCAPACITY IN FEDERALLY MANAGED FISHERIES AND WILL BE ISSUED AS A SPECIAL VOLUME OF THE "OUR LIVING OCEANS - ECONOMICS SERIES" IN EARLY 2001.

WITH THESE STEPS, THE UNITED STATES HAS MADE SIGNIFICANT PROGRESS IN DETERMINING THE CAUSES OF OVERCAPACITY IN ITS DOMESTIC FISHERIES, HAS DEVELOPED FORMAL METRICS TO ASSESS LEVELS OF CAPACITY AND OVERCAPACITY AND HAS APPLIED THOSE MEASURES TO FEDERALLY MANAGED FISHERIES WITH THE RESULT THAT THE UNITED STATES GOVERNMENT HAS A MUCH MORE SOLID UNDERSTANDING OF THE PRECISE SCOPE AND EXTENT OF THE OVERCAPACITY PROBLEM IN OUR DOMESTIC FISHERIES. IN THE FOLLOWING YEARS, NMFS WILL SEEK TO REMEDY THIS PROBLEM. THE GOAL--AS STATED IN THE NOAA FISHERIES LONG TERM STRATEGIC PLAN--IS TO REDUCE BY 20 PERCENT THE NUMBER OF OVERCAPITALIZED FISHERIES BY FISCAL YEAR 2005.

### **CONCLUSION**

IN CONCLUSION, THE UNITED STATES PLACES GREAT EMPHASIS ON EFFORTS TO PREVENT UNAUTHORIZED FISHING IN AREAS UNDER NATIONAL JURISDICTION AND ON THE HIGH SEAS AND TO PREVENT FISHING BY U.S.-FLAGGED VESSELS THAT IS NOT CONSISTENT WITH THE CONSERVATION AND MANAGEMENT MEASURES ESTABLISHED BY REGIONAL ORGANIZATIONS AND ARRANGEMENTS. THE UNITED STATES HAS ALSO TAKEN A LEADERSHIP ROLE TO ENFORCE THE BAN ON LARGE-SCALE HIGH SEAS DRIFTNET FISHING AND TO REDUCE BY-CATCH, DISCARDS, AND POST HARVEST LOSSES. CONSISTENT WITH THESE OBJECTIVES, THE UNITED STATES HAS RATIFIED THE UNITED NATIONS AGREEMENT ON STRADDLING FISH STOCKS AND HIGHLY MIGRATORY FISH STOCKS AND ACCEPTED THE AGREEMENT TO PROMOTE COMPLIANCE WITH INTERNATIONAL CONSERVATION AND MANAGEMENT MEASURES BY FISHING VESSELS ON THE HIGH SEAS. THE UNITED STATES BELIEVES THAT THE MOST IMPORTANT ACTION MEMBERS OF THE INTERNATIONAL COMMUNITY CAN TAKE TO ACHIEVE SUSTAINABLE FISHERIES THROUGHOUT THE WORLD IS TO BECOME PARTY TO AND IMPLEMENT THESE IMPORTANT AGREEMENTS. THE UNITED STATES WILL CONTINUE TO WORK WITH THE INTERNATIONAL COMMUNITY TO ENSURE THE SUSTAINABLE USE OF THE WORLD'S FISHERY RESOURCES. IN ADDITION, THE UNITED STATES BELIEVES THAT THE FOOD AND AGRICULTURE ORGANIZATION OF THE

UNITED NATIONS HAS THE EXPERTISE AND MANDATE TO PROPERLY ADDRESS GLOBAL FISHERIES ISSUES. THE FAO HAS BEEN SUCCESSFUL IN THIS REGARD BY DEVELOPING, WITH BROAD-BASED SUPPORT, THREE INTERNATIONAL PLANS OF ACTION FOR FISHING CAPACITY, SEABIRDS, AND SHARKS AND IS CURRENTLY WORKING TO ADDRESS ILLEGAL, UNREGULATED AND UNREPORTED FISHING ACTIVITIES. THE UNITED STATES WILL CONTINUE PARTICIPATE IN AND SUPPORT THE WORK OF THE FAO TO ADDRESS THE GLOBAL FISHERIES PRIORITIES OF THE 21ST CENTURY.